

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

LOPEZ & MEDINA CORP., d/b/a  
EMMANUEL TRAVEL & TOURS,

Plaintiff,

v.

Docket 3:05-cv-01595-PG

MARSH USA, INC., ET. AL.,

Defendants.

**USAIG'S MOTION FOR AN EXTENSION OF TIME TO RESPOND TO PLAINTIFF'S  
CROSS-MOTION FOR SUMMARY JUDGMENT FOR LACK OF COVERAGE**

**TO THE HONORABLE COURT:**

United States Aviation Underwriters, Inc., as managers of defendant United States Aircraft Insurance Group, and the other underwriters and co-insurers under the aviation risks policy subject of this lawsuit ("USAIG"), through counsel, respectfully moves as follows:

On October 22, 2009, USAIG moved for entry of judgment in its favor and against plaintiff on the issue of lack of insurance coverage under the subject aviation policy. (See, Docket Entry No. 80, "DE \_\_\_\_"). On October 27, 2009, plaintiff sought a 30-day extension to oppose the arguments raised by USAIG by not later than November 28, 2009 (DE 81). On October 30, 2009, the Court agreed and granted plaintiff until November 28, 2009 to oppose the arguments raised by USAIG. (DE 82)

Plaintiff failed to oppose USAIG's arguments within the time frame granted it by the Court. However, without any excuse for missing the Court's deadline, 30-days later plaintiff cross-moved for judgment in its favor on December 28, 2009 (DE 83, 84 and 85).

In the event the Court elects to consider the plaintiff's belated cross-motion, then USAIG would like to oppose it, and respectfully prays for an extension of 30 days to oppose the points raised in the cross-motion, such time to expire by February 8, 2010.

**WHEREFORE**, USAIG respectfully prays for an order striking the plaintiff's belated cross-motion and for entry of summary judgment in favor of USAIG because the aviation policy subject of the lawsuit is not a performance bond or a business interruption policy as plaintiff pretends it to be. Alternatively, in the event the Court decides to entertain the belated cross-motion, that USAIG is granted extension until February 8, 2010 to oppose the plaintiff's belated cross-motion.

In San Juan, Puerto Rico, this 7<sup>th</sup> day of January, 2010.

I certify that today, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

**/s/ Diego A. Ramos**

Diego A. Ramos

USDC-P.R. No. 127513

Senior Trial Counsel

Aviation and Product Liability Defense Group

Fiddler González & Rodríguez, P.S.C.

P.O. Box 363507

San Juan, Puerto Rico 00936-3507

TEL: (787) 759-3162 / FAX: (787) 759-3109

E-mail: [dramos@fgrlaw.com](mailto:dramos@fgrlaw.com)